

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JOHNNIE W. BROOKS, JR.)	
)	No. 3-09-1128
v.)	
)	
THE DAVEY TREE EXPERT)	
COMPANY)	

ORDER

Pursuant to the order entered January 4, 2010 (Docket Entry No. 12), counsel for the parties called the Court on April 20, 2010, at which time the following matters were addressed:

1. Although plaintiff's counsel explained that she had requested to review the joint mediation report (Docket Entry No. 16) before the defendant filed it, defendant's counsel represented that there had been a misunderstanding and that she had not intended to file it without plaintiff's permission.

As a result, and because both parties' positions are clearly set out in the related filings (Docket Entry Nos. 16-18), the plaintiff's motion to strike (Docket Entry No. 17) is DENIED.

2. It is clear that both parties agree that mediation would be premature at this time.

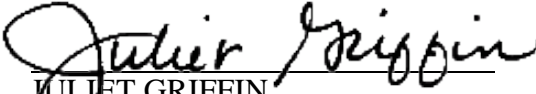
3. Although it appears that there are disputes over the defendant's responses to the plaintiff's written discovery, counsel wanted the opportunity to resolve those issues themselves before Court intervention.

4. No depositions have yet been taken, although they anticipate taking depositions the end of May and during June of 2010. Although one deposition will be taken in Florida, the remaining 5-6 depositions to be taken by the plaintiff, as well as the plaintiff's deposition to be taken by the defendant, will be taken in the middle Tennessee and southern Kentucky areas. The parties will complete all discovery by the July 30, 2010, deadline.

5. Counsel for the parties shall convene another telephone conference call with the Court on **Tuesday, July 13, 2010, at 11:00 a.m.**, to be initiated by defendant's counsel, to address

the status of discovery, any outstanding discovery issues, the potential for settlement, propriety of ADR, and any other appropriate matters.

It is so ORDERED.


JULIET GRIFFIN
United States Magistrate Judge